

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

FORD MOTOR COMPANY and FORD LEASING DEVELOPMENT COMPANY, <i>Plaintiffs,</i>	§	
v.	§	CIVIL ACTION NO. H-09-3082
DeMONTROND LINCOLN MERCURY COMPANY, TEXAS CITY LINCOLN MERCURY, INC., GEORGE A. DeMONTROND, III, and JERRY E. HICKS, <i>Defendants.</i>	§	JUDGE GRAY H. MILLER

**PLAINTIFFS' MOTION FOR ENTRY OF PRELIMINARY INJUNCTION AND  
REQUEST FOR EMERGENCY HEARING**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Plaintiff FORD MOTOR COMPANY and FORD LEASING DEVELOPMENT COMPANY file this Motion for Entry of Preliminary Injunction and Request for Emergency Hearing against Defendants DeMONTROND LINCOLN MERCURY COMPANY, TEXAS CITY LINCOLN MERCURY, INC., GEORGE A. DeMONTROND, III, and JERRY E. HICKS (collectively, "Defendants"), and would show the Court as follows:

1. On September 23, 2009, Plaintiffs Ford Motor Company and Ford Leasing Development Company filed their Original Complaint for Injunctive Relief and Damages against Defendants (the "Original Complaint").
2. For the reasons stated in the Original Complaint, Plaintiffs hereby move for entry of a preliminary injunction and in the interim, for temporary restraining order. This motion is supported by the affidavits and exhibits which are attached to the Original Complaint which are incorporated herein for all purposes.

3. Plaintiffs further request a hearing on this motion at the earliest available time following written or oral notice of such hearing to Defendants or their attorney(s). Plaintiffs also request an emergency hearing to consider their application for a temporary restraining order.

For these reasons, Plaintiffs Ford Motor Company and Ford Leasing Development Company request that this Court set an emergency hearing to consider Plaintiffs' request for Temporary Restraining Order, set a hearing on Plaintiffs' request for Preliminary Injunction and at the conclusion of those hearings:

Grant a temporary restraining order, a preliminary injunction and thereafter a permanent injunction restraining and enjoining:

- a. Defendants and any principals, officers, agents, servants, employees, attorneys, representatives, successors and assigns of Defendants, and all those in privity, concert or participation with Defendants, from interfering with Ford's first superior right to acquire the Texas City Lincoln Mercury dealership;
- b. Defendants and any principals, officers, agents, servants, employees, attorneys, representatives, successors and assigns of Defendants, and all those in privity, concert or participation with Defendants, from continuing to allow DeMontrond Lincoln Mercury to have managerial authority over and de facto ownership of the dealership;
- c. Defendants and any principals, officers, agents, servants, employees, attorneys, representatives, successors and assigns of Defendants, and all those in privity, concert or participation with Defendants, from attempting

to relocate the Texas City Lincoln Mercury dealership or any part of the dealership business to any location other than the Property;

- d. DeMontrond Lincoln Mercury, George DeMontrond and any principals, officers, agents, servants, employees, attorneys, representatives, successors and assigns of DeMontrond Lincoln Mercury or George DeMontrond, from using the "Lincoln" and "Mercury" trademarks and other Ford-owned trademarks in connection with operation of the dealership; and
- e. Defendants and any principals, officers, agents, servants, employees, attorneys, representatives, successors and assigns of Defendants, and all those in privity, concert or participation with Defendants, from attempting, at any location other than the Property, to conduct business under the dealer's firm name "Texas City Lincoln Mercury" or to otherwise use the trademarks and trade names "Lincoln" and/or "Mercury."

and for such other and further relief to which they may be entitled.

Dated: September 24, 2009

Respectfully submitted,

**BAKER & HOSTETLER LLP**

*/s/ Michael W. Mengis* \_\_\_\_\_

Billy M. Donley  
State Bar No. 05977085  
Paul S. Francis  
State Bar No. 07359500  
Michael W. Mengis  
State Bar No. 13941010  
Matt R. Raley  
State Bar No. 24051224  
1000 Louisiana, Suite 2000  
Houston, Texas 77002  
Telephone: (713) 646-1355  
Facsimile: (713) 751-1717

**ATTORNEYS FOR PLAINTIFFS  
FORD MOTOR COMPANY AND  
FORD LEASING DEVELOPMENT  
COMPANY**